

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:05cv319-T**

DAVID MARCUS FINCHER,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
ALPHA PROPERTY AND CASUALTY)	
INSURANCE COMPANY,)	
)	
Defendant.)	
)	

THIS MATTER is before the court on defendant Alpha Property and Casualty's Motion for Permission to Participate in Mediation Via Telephone (#12). For cause, defendant has shown that it is located well outside this district and that the claims adjuster would have to travel more than 200 miles. The undersigned is hesitant to allow a decision maker to attend by telephone, inasmuch as it has been the undersigned's experience that telephonic participation is usually less than full participation. In this case, however, the undersigned believes that if the decision maker is fully aware of the arguments on both sides before mediation, he or she will have an understanding sufficient to determine what, if any, value this case may have in consultation with the mediator. The plaintiff's counsel has consented to the motion. Based on the experience and reputation of counsel, the court is assured that plaintiff's decision maker will fully understand the issue now before the court.

The court truly appreciates the efforts respective counsel have made in prompt and professional compliance with the previous Order requiring completion of mediation.

ORDER

IT IS, THEREFORE, ORDERED that defendant Alpha Property and Casualty's Motion for Permission to Participate in Mediation Via Telephone (#12) is **GRANTED**.

Signed: June 30, 2006

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

